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The UAE: An Oasis for Trade and Friendly Ties with Taiwan

By: I-wei Jennifer Chang

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When Chinese President Xi Jinping visited the United Arab Emirates (UAE) in July last year, he was the first head of state from the People's Republic of China (PRC) to travel to the tiny Arab Gulf country in 29 years. His visit upgraded bilateral relations from a "[strategic partnership](#)," forged in 2012, to a "[comprehensive strategic partnership](#)." Xi called the UAE an "[oasis for development in the Arab world](#)," underscoring the Arab state's regional importance and strategic value to China. The UAE has the distinction of being China's [second largest trading partner](#) and the [largest export market](#) in the Arab world, host of the [largest Chinese expatriate community](#) in the Middle East, and the [Arab country with the most investment projects](#) in China. Xi also regards the UAE as a [key pivot](#) in implementing the Belt and Road Initiative (formerly known as "One Belt, One Road"), connecting China to Africa and Europe.

"Abu Dhabi is becoming strategically important to China. The relationship is really thickening. The UAE is the load-bearing wall of China's Middle East policy now; that would definitely limit Taiwan's gains in the Emirates beyond trade," said Jonathan Fulton, assistant professor of political science at Zayed University, in Abu Dhabi, UAE. [1] Fulton said the UAE would not jeopardize its relations with China, particularly as the United States is becoming less reliable, and the UAE is also looking towards East Asia and China in particular. [2]

Yet, aside from the flurry of economic activity between China and the UAE, the oil-rich Gulf state also has a surprising history of close relations with Taiwan, despite the absence of formal diplomatic relations. While the UAE and China established diplomatic relations in 1984, Taiwan's historically friendly relations with Arab Gulf states can be traced back to Chiang Kai-shek's era. For several decades, Taiwan and Saudi Arabia enjoyed strong relations that were influenced by energy trade, development assistance, and the hajj diplomacy of Taiwan's Muslims. [3]

Past Taiwanese administrations have made an intention to strengthen ties with Middle Eastern countries. During a time when Taiwan's leaders made frequent—and sometimes secret—trips

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abroad (known as “vacation diplomacy”) to non-diplomatic allies, the UAE and other Middle Eastern countries have been on Taipei’s travel itinerary. In 1995, former President Lee Teng-hui (李登輝) visited the UAE and Jordan, marking the first visit to the Middle East by a Taiwanese president in 18 years. [4] This was followed by Vice President Lien Chan’s (連戰) 1998 visit to the UAE, Bahrain, and Jordan, aimed at promoting Taiwanese trade and investment in the Middle East. [5] These visits were meant to be unofficial and low-key but were met with solemn protests by the Chinese government, which also successfully pressured some countries, such as Lebanon and Israel, against meeting with Taiwan’s leaders. [6]

Perhaps the most notable time when the UAE was caught in the crosshairs of cross-Strait tensions was when Taiwan’s President Chen Shui-bian (陳水扁) transited through Abu Dhabi on his return to Taiwan following a visit to diplomatic allies in Latin America. In September 2005, Chen was [received at the airport](#) by the UAE president’s younger brother Sheikh Hamed bin Zayed Al Nahyan with Taiwan’s flags flying. “I was really moved to see ROC national flags flying over the airport, particularly given that China has never stopped trying to prevent Taiwan from joining the international community and strengthening its relations with other countries,” Chen said in Abu Dhabi. [7] “Some say that this is a very significant breakthrough in relations between Taiwan and the UAE. [...] I’ll treasure this,” Chen said. [8] Over Beijing’s protests, Chen met with [UAE President Sheikh Khalifa bin Zayed Al Nayhan](#) and other officials. Taiwan’s government reportedly gave the UAE [10,000 rifles](#) in exchange for Chen’s visit. The PRC Foreign Ministry criticized the UAE for hosting Taiwan’s president, saying “[the move is a violation of the UAE’s ‘One-China’ policy and has made a negative impact on China-UAE ties.](#)” Chen made another transit stop in Abu Dhabi in May of the following year on his way to visit Paraguay and Costa Rica.

Taiwan’s officials have also paid homage to UAE leaders. In January 2006, Taiwan’s Foreign Minister Chen “Mark” Tang-shan (陳唐山) made a [secret visit to UAE](#) to convey condolences for the death of UAE Vice President and Prime Minister Sheikh Maktoum bin Rashid Al Maktoum. Foreign Minister Chen also [congratulated](#) Sheikh Maktoum’s younger brother and successor, Crown Prince Sheikh Mohammed bin Rashid Al Maktoum, in an effort to launch ties with the new UAE leader. The foreign minister had [made several visits](#) to the UAE in 2005 to discuss plans for a new representative office in Abu Dhabi.

In continuity with previous administrations, Taiwan’s President Ma Ying-jeou (馬英九) underscored the importance of Taiwan’s relations with the UAE. In 2010, he received a visit from Jordan’s Princess Haya Bint Al Hussein, a wife of Sheikh Mohammed bin Rashid Al Maktoum, vice president and prime minister of the UAE and ruler of Dubai. Ma thanked the princess of Jordan for helping Taiwan obtain the right to host the 2010 Federation Equestre Internationale (FEI) General Assembly, the international governing body of equestrian sports. [9] On his return from a visit to ROC’s diplomatic allies in Africa, Ma had a [layover](#) at Dubai’s International Airport in 2012.

Ma regarded the UAE as an [important traffic hub](#) between Europe, Asia, and Africa, and said both Taiwan and the UAE are striving to become “[two important links that cannot be ignored in the move towards globalization.](#)” Due to the UAE’s liberal economic policies, [Taiwanese companies](#) in the shipping, petrochemical engineering, electronics, communications, and tire industries, have invested and become active in the UAE. In February 2014, [the opening of Emirates’ nonstop Dubai-Taipei flight](#) marked the first Middle Eastern carrier to operate a direct flight to Taiwan, opening the door to expanded exchanges between the two sides.

There have not been any known high-level exchanges between Taiwan and UAE leaders during Tsai Ing-wen’s (蔡英文) administration, yet Taiwan’s trade ties with the UAE continue to expand to the present day. The UAE ranks among Taiwan’s largest trade partners in the Middle East. Bilateral trade reached more than USD [\\$4.5 billion in 2018](#), with Taiwan facing a USD [\\$2.5 billion deficit](#) due to large purchases of energy supplies from the UAE. Taiwan also has large trade deficits with other Middle East oil producers such as [Saudi Arabia and Kuwait](#). Politically, there appears to be a bit of a chill. In 2017, under [pressure from Beijing](#), Abu Dhabi forced Taipei’s representative office to change its original name, the Commercial Office of the Republic of China to Dubai, to the [Commercial Office of Taipei, Dubai, UAE](#) (駐杜拜臺北商務辦事處).

In 2018, Taiwan’s main oil trade partners and their respective contributions to the island’s total oil imports were [Saudi Arabia \(30.9 percent\), Kuwait \(20.7 percent\), the United States \(13.6 percent\), the UAE \(8.4 percent\), Iraq \(7.6 percent\), and Oman \(6.6 percent\)](#). The same year, Taiwan imported [27,003,000 barrels](#) of crude oil from the UAE, down from [30,887,000 barrels](#) in 2017. Over the past two years, a major change in Taiwan’s overseas oil portfolio has been

the ascendance of the United States as a major oil supplier. Taiwan crude oil imports from the United States grew dramatically from [2,583,000 barrels](#) in 2017 to [43,900,000 barrels](#) in 2018, skyrocketing from 0.8 percent to 13.6 percent of Taiwan's total crude oil imports.

After President Donald J. Trump [withdrew the United States](#) from the Iranian nuclear deal, or Joint Comprehensive Plan of Action (JCPOA), in May 2018, and later re-imposed sanctions on Iran, his Administration also [terminated its waivers](#) in April 2019 on eight economies, including Taiwan, that consume Iranian oil. Under the previous arrangement, Taiwan, China, India, Japan, South Korea, Turkey, Greece, and Italy could import certain levels of Iranian oil without being slapped with US sanctions. Most of these countries that enjoyed the US exemption have [significantly reduced or ended](#) their Iranian crude oil imports. In 2018, Taiwan imported [less than 2 percent](#) of its crude oil from Iran, and now looks towards other regional suppliers such as the UAE.

Moving forward, Taiwan should continue to build upon the historical friendship and step up economic and trade cooperation with the UAE amid the expansion of China-UAE ties. The UAE remains an important source of energy supplies and a market for Taiwanese electronics, auto spare parts, machinery, and textiles. The UAE and other Middle Eastern countries are potential markets for Taiwan's [solar energy technology](#). Taipei can also leverage its unique relationship with the UAE as a gateway to the region in order to help diversify its foreign relations.

The main point: Taiwan and the UAE have a history of friendly relations based on diplomatic support and bilateral cooperation in energy, trade, and investments. Taiwan should continue to closely work with the UAE to expand not only economic relations, but also sustain closer diplomatic and political contact.

[1] Author's interview, August 5, 2019.

[2] Ibid.

[3] Makio Yamada, "Islam, Energy, and Development: Taiwan and China in Saudi Arabia, 1949-2013," *American Journal of Chinese Studies*, Vol. 22, No. 1 (April 2015): 80-85.

[4] "Taiwanese President Sees Summit with China After Deng Dies," *Agence France Presse* (April 4, 1995). Retrieved from Nexis Uni.

[5] "Report: Taiwan Vice President Visiting UAE," *Associated*

Press International (March 1, 1998). Retrieved from Nexis Uni.

[6] Ibid.; "President Lee Teng-hui to Visit Israel, Greece," *Deutsche Presse-Agentur* (April 13, 1995). Retrieved from Nexis Uni.

[7] "Taiwan President Says UAE Visit 'Significant Breakthrough,'" *BBC Monitoring Asia Pacific* (October 1, 2005). Retrieved from Nexis Uni.

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[9] "President Ma Meets FEI President and Princess of Jordan Haya Bint Al Hussein," *Targeted News Service* (November 2, 2010). Retrieved from Nexis Uni.

Deus ex Machina: Does Vatican-Beijing Rapprochement Raise Concerns for Taiwan?

By: Dennis Halpin

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The revelation in late June of a new "[pastoral document](#)" from the Vatican to the Chinese Church caused retired Hong Kong Cardinal Joseph Zen (b. 1932), to spring into action. Cardinal Zen has emerged as the conscience of the Catholic Church in the Chinese cultural world, including during the recent unrest in Hong Kong over the proposed extradition bill. Referring to the pastoral document, which provides pastoral guidelines for the civil registration of Catholic clergy with Chinese authorities as required by the new regulations on religious activities, the [Cardinal stated](#) on his website that: "This document has radically turned upside what is normal and what is abnormal, what is rightful and what is pitiable. Those who wrote it hope perhaps that the pitied minority will die a natural death. By this minority I mean not only underground priests, but also the many brothers in the official community who have worked with great tenacity to achieve change, hoping for the support of the Holy See."

Cardinal Zen, however, did much more than just post a message on his website. According to the [LifeSiteNews website](#) the octogenarian then boarded a plane from Hong Kong to Rome on June 29th, only 24 hours after first learning of the new, controversial pastoral instructions. Upon arrival in

Rome, Cardinal Zen proceeded to the Papal residence and handed a letter seeking an audience with Pope Francis to discuss the matter further. After some initial hesitancy, on July 3, the Cardinal was invited to dine with the Pope and the Vatican Secretary of State, Cardinal Pietro Parolin, to discuss the urgent matter involving the Church in China. Zen [reported](#) that “It is impolite to argue at dinner. We spoke (only) about the situation in Hong Kong. As for the pastoral document and my statement, I only mentioned it to the Pope in the last few minutes. The Pope said several times, ‘I will pay attention to this matter.’ This is the only sentence I (have) brought back to my people.”

More importantly, in a show of courage in the face of professed papal infallibility, and in echoes of the Protestant revolutionary leader Martin Luther, Zen presented Pope Francis and Cardinal Parolin with nine criticisms of the pastoral document. The criticisms included a [quote](#) from a letter of former Pope Benedict XVI regarding the Underground Church clergy in the People’s Republic of China (PRC): “Some of them, not wishing to be subjected to undue control exercised over the life of the Church, and eager to maintain total fidelity to the Successor of Peter [the Pope] and to Catholic doctrine, have felt themselves constrained to opt for clandestine consecration.”

Cardinal Zen’s concerns, however, seem to run counter to Pope Francis’ infatuation with a form of globe-trotting ecumenism, which could be finessed by Beijing to the detriment of Taiwan and its Catholic believers. Pope Francis was reportedly very excited in 2014 when, in the early period of his Papacy, the Vatican received permission to fly over Chinese air space en route to a pastoral visit to South Korea. This was, according to [Reuters](#), a concession that had been withheld from his well-traveled predecessor, Pope John Paul II, who had to skirt Chinese territory during his many travels to Asia. “This is a sign of détente, for sure,” [Father Bernardo Cervellera](#), head of the Rome-based AsiaNews agency and a specialist in the Catholic Church in China, was quoted as stating.

[Reuters](#) reported further at the time that “Pope Francis sent a telegram of greeting to General Secretary Xi Jinping and the Chinese people as he flew over the country whose communist government does not allow Catholics to recognize his authority.” Pope Francis’ message to Xi in August 2014 [stated](#) that “Upon entering Chinese air space, I extend my best wishes to your excellency and your fellow citizens, and I invoke divine blessings of peace and well-being upon the nation.”

The fact that the Vatican had decided to undertake a charm offensive with the atheistic regime in Beijing was confirmed when the Vatican’s number two official, Secretary of State Cardinal Pietro Parolin, told an Italian magazine that “The Holy See favors a respectful and constructive dialogue with authorities to find a solution to the problems that limit the complete practising of the faith by Catholics and to guarantee an atmosphere of real religious freedom.” This movement toward a thaw on the Vatican side was all the more remarkable because, as [The New York Times](#) reported on July 28, 2014, Beijing was then in the midst of an anti-Christian campaign that involved the removal of crosses, using cranes and blow torches, from some 100 church steeples in Zhejiang province—some of those churches being Catholic.

The priority of a new Pope to make inroads into unfriendly territory coincided, after the election of Taiwan President Tsai Ing-wen in 2016, with a Beijing policy priority of choking Taiwan’s international space by picking off, one by one, Taipei’s remaining diplomatic allies. In December 2016, months after President Tsai’s inauguration, the African nation of São Tomé and Príncipe switched diplomatic relations from Taipei to Beijing. In June of 2017, Taiwan’s long-standing ally Panama broke relations and recognized Beijing. This was followed in 2018 by El Salvador, the Dominican Republic, and Burkina Faso. Thus Beijing was able, through behind-the-scenes diplomatic maneuvers and economic incentives, to reduce the number of states with formal diplomatic relations with Taipei from 22 to 17. Beijing has been particularly heavy handed in its pressure on the Pacific Island nation of [Palau](#), once a favored destination for mainland Chinese tourists, by imposing a “tourist ban” that cut drastically the number of tour groups headed there.

Above all, the Vatican remains the jewel in the crown as far as Beijing is concerned—being the only state in Europe still having formal diplomatic relations with Taipei and representing the world’s 1.2 billion Catholics. Xi Jinping’s iron-fisted rule has included an escalating clamp down on religious groups, a number of whom had experienced some easing of restrictions during his immediate predecessors’ rule, so the question of how to finesse an external religious center of power such as that represented by the Vatican remains a sticking point.

The post-Tiananmen Square Massacre obsessive need by the Communist Party of China to exercise thought control over all civil groups and organizations hit a brick wall when it considered a community of domestic religious and laity

answering to an outside power. Still, there were indications last year that some progress was being made with the Vatican in behind-the-scenes negotiations on such thorny topics as the appointment of bishops. On September 22, 2018, "[A Provisional Agreement between the Holy See and China](#)" on the appointment of bishops was signed in Beijing, "in the hope that it will contribute positively to the life of the Church in China, the good of the Chinese people and peace in the world," according to *Vatican News*.

During that same month, Anna Fifield of The Washington Post reported new moves toward religious suppression in China in an article titled "[With wider crackdowns on religion, Xi's China seeks to put state stamp on faith](#)." Fifield observed that "All of the five religions officially tolerated by Chinese leaders—Buddhism, Catholicism, Daoism, Islam, and Protestantism—are now experiencing draconian treatment from the government of President Xi Jinping, who has stoked nationalism and promoted loyalty to the Communist Party in ways not seen in decades." A Protestant pastor, whose church in Beijing had come under official scrutiny, was [quoted](#) as stating that "They're trying to 'party-fy' the church. We just want to depoliticize the church."

So why would the Vatican pick such a particularly sensitive time for religious freedom in China to cozy up to the dragon? The Vatican apparently decided to keep the details quiet. [America](#), the Jesuit magazine, reported on December 7, 2018:

"The exact contents of the 'provisional agreement' will be kept secret [...]. It appears that the Chinese government will have a voice in the selection of bishops, but Pope Francis insists he will have the final say. (The exact process for naming and vetting candidates is not clear.) As part of the agreement, the Vatican will reconcile seven 'illegitimate' Chinese bishops (bishops ordained without the papal mandate). It is the first such public agreement between the Vatican and China since the Communist Party came to power in October 1949. [...] Announcing the agreement, Greg Burke, the director of the Holy See Press Office, stated that 'the objective of the accord is not political but pastoral, allowing the faithful to have bishops that are in communion with Rome but at the same time recognized by the Chinese authorities.'"

Here, a fellow communist nation with a sizable Catholic minority—Vietnam—seems to have provided a potential blue-

print. The Catholic website *Crux*, in a September 26 article titled "[Expert says Vietnam model was 'Blueprint' for Vatican-China Deal](#)" quotes Henry Cappello, Founder and President of Caritas In Veritate, as stating that "I'm aware that the Vietnam proposal was, if not a blueprint, definitely a lead" in discussing how the agreement with China should look." Vietnam, of course, has a different and much more interconnected history with the Vatican and the Catholic Church, and is the only communist country in Asia, since 2011, to have a nonresident papal representative to the country. The seventh meeting of the Vietnam-Holy See joint working group, which discussed paving the way toward full diplomatic relations, took place in Hanoi on December 19th. One complication, according to *Crux* is that Vietnam remains a Tier 1 country—signifying the harshest level of repression of religious liberty—according to the [US Commission on Religious Freedom's 2018 annual report](#)—as does China. A Tier 1 country, the report said, is "any country whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious."

Pope Francis, however, seems inclined to go forward in making diplomatic inroads in communist Asia. Last October, South Korean President Moon Jae-in, a practicing Catholic, relayed a verbal message to Pope Francis at the Vatican from North Korean leader Kim Jong-un to visit North Korea. The Pope's response, according to [Reuters](#), was that he would "consider it." If the Pope would consider a visit to a nation where, according to refugee reports, Catholic and other Christian believers are summarily tortured and put to death if found in the possession of Bibles or religious relics, then visiting China would not seem to present any particular obstacle. Beijing would, however, presumably extract a price before letting the Pope in to see his flock—that would be the abandonment of Taiwan and removal of the Apostolic Nuncio in Taipei.

Another complication, however, remains—the division of the estimated 10 to 12 million Catholic believers in China between those who attend the state-controlled Patriotic Association services, which severed ties from Rome after 1949, and adherents to an underground Catholic Church, which remained loyal to the Holy See through decades of oppression.

According to [America](#), a Jesuit magazine, the decades of rule by Mao Zedong were especially brutal: "The Maoist years were not kind to the church. Chinese Catholics refer to these years as a *jiaonan*, a persecution without precedent." The magazine then offered this warning: "The Chinese govern-

ment has seen the underground church as a thorn in its side for decades, and for decades it has tried to bring that church to heel. Beijing probably sees the accord as a way of further controlling the underground community. If the Vatican is willing to be co-opted into this project, then all the better.”

There has been an ongoing, bitter division between the “patriotic” and underground branches of the Catholic Church in China for decades. Underground Catholics reportedly see rewarding “patriotic” pseudo-bishops with official positions as a betrayal of their steadfast devotion to the Papacy during the darkest days of persecution. The Vatican seems to be seeking to sidestep the entire issue in its backroom negotiations with the Communist leadership in Beijing.

Cardinal Zen had told [Reuters](#) immediately after the Vatican-China Agreement was announced last September that “They’re giving the flock into the mouths of the wolves. It’s an incredible betrayal. [...] The consequences will be tragic and long lasting, not only for the Church in China but for the whole Church [and that it will deal a significant blow to Pope Francis’ credibility]. Maybe that’s why they might keep the agreement secret.”

Until the release of the new “pastoral document” in June, Vatican-Beijing rapprochement did seem to be slowing down. In the months since the September announcement of the agreement, the Vatican has been consumed by renewed sexual abuse charges, which have erupted in such far flung locations as Pennsylvania and Poland. New charges have led to the court conviction of an Australian Cardinal and the laicization of a former Archbishop of Washington, DC. Pope Francis has been put on the defensive, being criticized as being initially too anemic in his response to these renewed accusations. And in May, a letter surfaced from conservative Catholic critics calling upon the bishops to censor the Pope “[for heresy](#)” for allegedly being too liberal and not adhering to orthodox Catholic doctrine.

With all this on his plate, it seems Pope Francis may have to put his dreams of visiting Communist China and North Korea on a back burner. That can only be good news not only for the underground Church adherents in the PRC, but also for Taiwan’s roughly half million Catholic believers. It is also beneficial to a democratic nation that adheres to the values of human rights and religious freedom, which Beijing abhors, and is currently under siege with regards to its international space. So, despite Beijing’s persistent efforts to further diplomatically isolate Taiwan, it seems that an Apostolic Nuncio

will not take up residency in Beijing in the foreseeable future.

The main point: Vatican City, as the only state in Europe granting diplomatic recognition to Taiwan and representing the world’s 1.2 billion Catholics, remains the jewel in the crown for Beijing in its campaign to choke Taiwan’s international space by picking off its diplomatic allies. Complications for a Vatican-Beijing détente remain, however, including the division between the underground and “patriotic” Catholic Churches in China and the increasing repression of religion in China under Xi Jinping’s tight-fisted regime.

Assessing the Congressional Intent of the Taiwan Relations Act

By: Shirley Kan

Shirley Kan is an independent specialist in Asian security affairs whose service for the US government has included working for Congress at the non-partisan Congressional Research Service (CRS) from 1990 to 2015. She is a founding member of GTI’s advisory board.

Through 2019, the United States and Taiwan are commemorating the 40th anniversary of the enactment of the Taiwan Relations Act (TRA) in April 1979. Without the benefit of hindsight, Congress was brilliant in crafting the legislation that has governed policy concerning Taiwan. Nonetheless, issues have persisted, including whether the law obligated arms sales or assistance to defend Taiwan and whether the TRA precluded military and other official contacts. An issue has been whether policy deviated from the law, and if so, how to reset policy. The Congressional intent is critical to ensure that policy is carried out into the future in adherence to the TRA.

While it sounds braggadocious for Congress, it was brilliant in crafting the TRA that has enjoyed bipartisan support, seen implementation by successive presidents, and promoted US and international interests under changing conditions for a prosperous and free Taiwan. [1] As an economic and security partner, Taiwan has contributed to the rules-based order. Taiwan uniquely has shown a better path of democracy for people in Chinese-speaking societies.

Nonetheless, important issues have persisted about the TRA. Clarity about the congressional intent helps to understand the TRA’s political and legal obligations in policy. It is crucial

to ensure that policy has institutional compliance with the TRA, not subject to presidential or other individual whims. Congressional oversight and other actions continue to be critical, especially in any differences between the president and Congress over how to implement policy. Misperceptions could be dangerous in undermining stability. For example, it is a misperception that high-level military and other official visits are inconsistent with US policy. Since the first cabinet-rank visit to Taiwan after 1979 (US Trade Representative Carla Hills' visit in 1992), long gaps in senior official visits blow them out of proportion.

How Would US Policy Adhere to the TRA's Congressional Intent?

(1) As P.L. 96-8, the TRA needs to regain the premier place in policy. The Foreign Relations Authorization Act for FY1994-FY1995 (P.L. 103-236) declared that Section 3 of the TRA (i.e., on arms sales) takes primacy over statements (i.e., the Joint Communiqué of 1982 with the People's Republic of China, or PRC). Sometimes, officials including the [secretary of state](#) have failed to cite the TRA in referring only to the US "One-China" policy and the three US-PRC Joint Communiqués. The [State Department's](#) so-called "fact sheet" on Taiwan (dated August 2018) started by referring to the Joint Communiqué of 1979 then later cited the TRA. Congress saw improvement in David [Stilwell's](#) statement of March 2019 to the Senate Foreign Relations Committee for his nomination as assistant secretary of state for East Asian and Pacific Affairs. Familiar with Taiwan, Stilwell rightfully referred first to the TRA, then the Communiqués.

(2) It is not an egregious violation of policy to call Taiwan a country. Section 4(b)1 required that references to foreign countries in US laws "shall" apply to Taiwan. Under domestic laws, the United States treats Taiwan as a country, despite the lack of diplomatic recognition of the Republic of China (ROC). In 2012, Taiwan became the 37th country to join the Department of Homeland Security's Visa Waiver Program. In November 2018, Secretary of State Michael [Pompeo](#) referred to Taiwan among eight countries given temporary allotments to import oil from Iran. In June 2019, the [Defense Department's](#) Indo-Pacific Strategy Report used "countries" in referring to Mongolia, New Zealand, Singapore, and Taiwan. This word is not a change in US diplomacy but is common-sense language in recognition of realities of official ties with a democratic country. In July, the administration formally notified Congress in a normalized process of proposed arms sales to Taiwan of M1A2T [Abrams](#) tanks, [Stinger](#) air defense missiles,

and enhanced TOW 2B and Javelin anti-armor [missiles](#). These programs, [not a "package,"](#) are government-to-government Foreign Military Sales (FMS).

(3) The TRA expected a peaceful process but not any particular outcome for the question of Taiwan. The TRA even did not discuss the "One-China" policy. US policy has been premised on Taiwan's unsettled status. The Communiqués showed US-PRC differences. Section 2(b)(3) stated the US expectation that the future of Taiwan "will be determined" by peaceful means. US policy does not support Taiwan's independence, as the State Department's anodyne "fact sheet" noted. Nonetheless, non-support is neutral and does not necessarily mean opposition.

Lester Wolff, a representative who managed the legislation as the chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, has explained that Congress did not attempt to determine Taiwan's destiny, except to support self-determination for its people. [2] Wolff has stressed in interviews with me up to 2019 that the congressional intent is important because of the TRA's ambiguity. [3] Congress wanted to ensure Taiwan's viability, regardless of the US "One-China" policy. Congress sought to protect Taiwan's integrity and its people's ability to govern themselves (de facto independence), so that they are not put under the PRC's autocratic, communist rule. Wolff has emphasized that Taiwan's people should have faith in the United States.

(4) The TRA did not characterize the bilateral relationship as unofficial or official. The [State Department's](#) so-called "fact sheet" has been wrong and unrealistic to claim that the TRA "provides the legal basis for the unofficial relationship between the United States and Taiwan [...]." In fact, Section 2(b) (1) declared that it is US policy "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area." Congress objected to use of "unofficial" for the relationship. Wolff has confirmed that the TRA did not call the relationship "unofficial," while stressing that "indeed, the TRA is official policy passed by Congress." The TRA allowed ambiguity.

Thus, the TRA is not an excuse to limit military and other official engagement. Relaxing or removing restrictions on contacts with Taiwan's officials would reset policy in compliance with the TRA's stipulation to promote this relationship. An important option is to change the State Department's policy

of self-imposed restrictions on contacts between the executive branch and Taiwan's officials that can be counter-productive for communication and cooperation. Senior officials on both sides have pursued direct communication instead of the American Institute in Taiwan chairman's indirect, inadequate interventions. The [Taiwan Assurance Act](#) (S. 878, H.R. 2002) would require the president to review the State Department's Guidelines on Relations with Taiwan as a part of that policy.

(5) The TRA called for the pursuit of parallel ties with Taipei and Beijing. As seen in the latter language of Section 2(b)(1) above, the TRA was not anti-China. The TRA did not promote ties with Taipei as a tool to deal with Beijing. On the eve of switching US diplomatic recognition from the ROC to the PRC, some members of Congress visited the PRC in the second half of 1978. In July 1978, an important congressional delegation led by Wolff met with PRC paramount leader Deng Xiaoping, who gave an assurance about respecting Taiwan's reality in working toward a peaceful resolution, but without renouncing the possible use of force.

(6) While the TRA provided for a legal and political obligation to assist Taiwan's self-defense, the law did not require in advance that the United States "shall" help to defend Taiwan. Section 2(b)(6) stipulated that it is policy to maintain the US capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of people on Taiwan. Nonetheless, Congress did not intend necessarily to avoid helping to defend Taiwan. According to Wolff, the TRA is not an absolute guarantee for Taiwan's defense, because Congress intended to subject any future decision on an act of war to action by Congress, not only the president. [4] Senator Jacob Javits explained that Congress did not seek to reconstruct a defense agreement with Taiwan. Still, Congress considered broad threats. [5] The TRA cited coercion as well as force, because China could apply an embargo or other coercion short of military force.

(7) It follows that the TRA embodied an expectation of Taiwan's self-defense. Section 3(a) stated that the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. The TRA entailed mutual obligations in security, as Wolff confirmed. The TRA did not mean a US-only obligation but expected Taiwan to maintain its self-defense. [6]

(8) Section 3(a)'s language also provided the legal and politi-

cal obligation for arms sales to Taiwan but did not require that such assistance "shall" be offered. Relatedly, Section 2(b)(5) stipulated policy to provide Taiwan with arms of a "defensive character." This phrase has been misconstrued to delay or deny approvals for weapons systems, even though weapons cannot be simplistically labeled as offensive or defensive and Taiwan's military strategy is inherently defensive against China's threats. As a representative who led the congressional debate on arms sales, Wolff has stated the expectation that they involve "state-of-the-art defense equipment." [7]

(9) Congress intended that China has no role in determining defense equipment or its quality or quantity to be offered to Taiwan, Wolff confirmed. [8] Not simply a statement of policy, Section 3(b) required that the president and Congress "shall determine" the nature and quantity of defense articles and services "based solely" upon their judgment of Taiwan's needs. However, past administrations did not adhere always to normal decision-making based solely on Taiwan's defense needs, for example, by withholding notifications to Congress of FMS in so-called "packages" out of considerations for China.

The main point: It behooves policymakers in Washington to adhere to the TRA's congressional intent to promote a normal partnership with Taipei in parallel with dealing with Beijing. The TRA's ambiguity allows for flexibility in engagement with Taiwan, contrary to the State Department's claim of "unofficial" ties to excuse self-imposed restrictions on contacts.

[1] At a hearing in October 2011 of the House Foreign Affairs Committee, Assistant Secretary of State Kurt Campbell called the TRA one of the most important acts of "legislative leadership" and foreign policy in US history.

[2] Lester Wolff, Jon Holstine, and John Brady III, *A Legislative History of the Taiwan Relations Act, Vol. 4*. (Arlington, VA: Pacific Community Institute, 2004).

[3] This article's references to views of Lester Wolff are based on the author's interviews by phone and in person, March 2017 to February 2019.

[4] Ibid.

[5] Jacob Javits, "Congress and Foreign Relations: the Taiwan Relations Act," *Foreign Affairs* (Fall 1981).

[6] The Defense Department issued a speech at the annual US-Taiwan defense industry conference in 2005 in San Diego, stressing that "under the TRA, the US is obligated to 'enable'

Taiwan to maintain a sufficient self-defense, but the reality is, it is Taiwan that is obligated to have a sufficient self-defense.”

[7] This article’s references to views of Lester Wolff are based on the author’s interviews by phone and in person, March 2017 to February 2019.

[8] Ibid.

US-China Great Power Competition: The Role of Values, Hong Kong, and Taiwan

By: Michael Mazza

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When it comes to America’s ties with China, President Donald Trump tends to focus on the economic aspects of the relationship. Trade is what the president likes to talk about and what he likes to tweet about. His administration’s policy approach, however, is more holistic. [The National Security Strategy](#) (NSS), released in late 2017, described China (and Russia) as posing a “challenge to American power, influence, and interests” and “attempting to erode American security and prosperity.” As such, the NSS lays out a broad approach to Asia with political, economic, and military pillars, some of which are further elucidated in the National Defense Strategy and the Defense Department’s “[Indo-Pacific Strategy Report](#).” The Trump Administration has been clear-eyed in recognizing that it is in a long-term strategic competition with China and that the United States must utilize various tools of national power to compete effectively. Recent events, however, remind that the Administration has been ignoring a key aspect of the bilateral competition and, as a result, a key American advantage in waging it: the competition of values.

Hong Kong’s Role

Hong Kong has been in political turmoil for much of the summer. The contours of the city’s upheaval are relatively straightforward at this point. Carrie Lam, Hong Kong’s chief executive, attempted to rush through the Legislative Council a bill that would have allowed extradition from Hong Kong to China. Hong Kong residents, reasonably concerned that the bill would permit the long arm of Chinese law enforcement to reach into the city with potentially disastrous res-

sults for its freedoms, protested. Lam’s refusal or inability to find a political solution to a political problem combined with heavy-handed police tactics have led protesters to escalate their demands from simply withdrawing the bill to genuine universal suffrage and direct elections of the chief executive. Chinese authorities, meanwhile, are making veiled and not-so-veiled threats to deploy the People’s Liberation Army into Hong Kong’s streets. After weeks of demonstrations, tensions run high and a peaceful resolution seems ever more distant.

Demonstrators have taken to the streets in response to local developments. It is a homegrown movement—a movement that is not, contrary to Chinese propaganda, directed or incited by foreign agitators, American or otherwise. But nor is that movement isolated from the outside world. Rather, many marchers are inspired by, and identify with, western cultural touchstones and liberal political traditions.

One of the movement’s unofficial anthems has been “Do You Hear the People Sing?” From the musical *Les Misérables*, originally written in French and adapted from Victor Hugo’s novel of the same name, the song is a cry for freedom from tyranny. Union Jacks are ubiquitous, their bearers perhaps not only asserting that British colonial rule of the past would be preferable to what Beijing has in store for the future, but also staking a claim as spiritual descendants of John Stuart Mill and his liberal fellow travelers. The occasional marcher has even been seen waving the American flag, undoubtedly seeking attention from the United States, but also waving the flag of the world’s oldest democracy and its foremost advocate of universal values.

President Trump may have done Xi Jinping a favor by referring to the protests as “riots,” but many others in the United States are acting more constructively. Legislators across the political spectrum, from [Marco Rubio](#) to [Alexandria Ocasio-Cortez](#), have made statements supportive of the movement. On August 2, the co-chairs of Congress’s Human Rights Commission sent a [letter](#) to Secretary of State Mike Pompeo and Secretary of Commerce Wilbur Ross urging them to “suspend future sales of munitions and crowd and riot control equipment to the Hong Kong Police Force and publicly announce that the US will not contribute to the internal repression of peaceful protest in Hong Kong.” A bipartisan piece of legislation introduced in June would, if it becomes law, require the secretary of state to annually recertify that Hong Kong exercises sufficient autonomy from China for it to receive special trade and economic privileges granted by the US-Hong Kong Policy Act of 1992. In an August 6 [statement](#),

Speaker of the House Nancy Pelosi offered her concurrence with the letter and announced that, after the August recess, “Congress will begin our work to advance the Hong Kong Human Rights and Democracy Act, and fight to preserve democratic freedoms and the rule of law in Hong Kong.”

These lawmakers understand what the Trump Administration has thus far failed to sufficiently recognize: the competition between the United States and China is not just a contest between different economic systems, a race for global influence, or even a competition over the fate of global order. It is—perhaps fundamentally—a competition between freedom and the forces arrayed against it, the latter embodied by the Chinese Communist Party (CCP).

Hong Kong is where these forces are most visibly clashing at the moment, but that clash should not be limited to this unique semi-autonomous city. Within the mainland of the People’s Republic of China (PRC), the forces of tyranny largely go unchallenged, as is clear from the consequence-free (for Beijing) cultural genocide in Xinjiang, the appalling treatment of activists of all stripes, and the emerging panopticon state. Beijing wages this battle outside China’s borders, too—notably when it seeks to shut down speech that it does not like in other countries—though the offensive is not often recognized for what it is: an extraterritorial assault on the liberties that citizens in free countries hold dear.

That the United States has yet to wholeheartedly engage in this contest is unfortunate, because its advantage over China is clear. To the extent that narrative-building matters in the realm of international politics, it is fairly easy to make the case that China is not on the side of the angels. Tactically speaking, if Chinese diplomats are tied up defending Beijing’s indefensible human rights record, they have less bandwidth for countering American diplomatic initiatives or isolating Taiwan on the world stage. Strategically, effectively engaging in this contest of values can create marginally more space within the People’s Republic for a healthy civil society and civil activism, making it more likely that the Chinese people themselves can, over time, bring about the changes they so richly deserve—just as Hong Kongers are attempting to do today.

Taiwan’s Role

Unlike its counterpart in Washington, DC, the Tsai Ing-wen government has an unmistakable appreciation for the ideological aspect of the competition. Over the last two months, President Tsai and Foreign Minister Joseph Wu have offered

frequent rhetorical support for the protesters in Hong Kong, at risk of incurring Beijing’s ire. In the movement’s opening days, President Tsai [tweeted](#), “We stand with all freedom-loving people of #HongKong. In their faces, we see the longing for freedom, & are reminded that #Taiwan’s hard-earned democracy must be guarded & renewed for every generation.”

Minister Wu has offered similar comments, sometimes imbued with his trademark sense of humor. “As #HongKong’s civil servants mass on the streets,” he [tweeted](#) recently, “Beijing needs to look long & hard in the mirror & ask one question. Other than the @hkpoliceforce, triads & PLA, who else stands with you? Time for an exit strategy: genuine democracy!”

President Tsai’s most pointed comments may have come in [remarks](#) she delivered at Columbia University during her visit to New York, in which she asserted that “freedom around the world is under threat like never before” and described the competition between freedom and tyranny in stark terms:

“We are seeing this threat in action right now in Hong Kong. Faced with no channel to make their voices heard, young people are taking to the streets to fight for their democratic freedoms. And the people of Taiwan stand with them. Hong Kong’s experience under “one country, two systems” has shown the world once and for all that authoritarianism and democracy cannot coexist. Given the opportunity, authoritarianism will smother even the faintest flicker of democracy. The process may be gradual, so subtle that most don’t even feel it.”

It turns out that Taipei has a crucial role to play in clarifying for others the existence and contours of this competition between, as Tsai puts it, authoritarianism and democracy. Taiwan faces a truly existential threat to its democracy (a threat that is frankly foreign to much of the free world) and is thus best positioned—along with democrats in Hong Kong—to issue a clarion call to rally democracies to the cause of freedom. To be sure, it is in Taiwan’s parochial self-interest to pound on this drum as it seeks to forestall the People’s Republic from swallowing the island whole. But should freedom-loving countries, first and foremost the United States, heed Taiwan’s call, the benefits will be widespread.

China and its ilk seek to create a world that is safe for authoritarians. By definition, such a world will see freedoms limited inside and outside China’s borders. A world that is safe for democracies, by contrast, is not one in which the CCP

can flourish, but it is one in which the people of China, Hong Kong, and Taiwan can more easily live in harmony, freely exercising their natural rights and determining their own destinies.

The main point: While the Trump Administration's National Security Strategy lays out a holistic strategy for competition with China, President Trump has been primarily focused on the economic aspects. Taiwan sees clearly what events in Hong Kong should make plain: the US-China competition is a competition between freedom and tyranny.